

# **Exhibit 2**

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

4 JESSE HAMMONS,

)

5 Plaintiff,

)

6 -v-

) Case No.

7 UNIVERSITY OF MARYLAND MEDICAL ) 1:20-cv-02088-DKC

8 SYSTEM CORPORATION, et al. )

9 Defendants.

)

12 Videotaped Deposition of Gail P. Cunningham

13 Towson, MD

14 Thursday, April 14, 2022

15 9:00 a.m.

18 Job No: J8078725

19 Pages: 1-308

20 Reported by: Kenneth Norris

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

2

1                   Deposition of Gail P. Cunningham

2                   Taken at:

3                   UNIVERSITY OF MARYLAND

4                   ST. JOSEPH MEDICAL CENTER

5                   7601 Osler Drive

6                   Towson, MD 21204

7                   Telephone: (410)328-8667

8

9

10

11

12

13

14

Pursuant to Notice, before Kenneth Norris, a

15

Professional Reporter and Notary Public in and for the

16

State of Maryland.

17

18

19

20

21

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

3

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFF:

3 EDWARD J. DELMAN, ESQUIRE

4 Patterson, Belknap, Webb & Tyler LLP

5 1133 Avenue of the Americas

6 New York, NY 10036

7 Telephone (212) 336-2000

8 E-mail: edelman@pbwt.com

9

10

11 ON BEHALF OF THE DEFENDANT, UNIVERSITY OF

12 MARYLAND MEDICAL SYSTEM CORPORATION:

13 PAUL A. WERNER, ESQUIRE

14 Sheppard, Mullin, Richter & Hampton LLP

15 2099 Pennsylvania Avenue, Suite 100

16 Washington, DC 20006

17 (Telephone) 202-767-1900

18 E-mail: pwerner@sheppardmullin.com

19

20 VIDEOGRAPHER: KIM JOHNSON

21

## 1 CONTENTS

2 EXAMINATION OF Gail P. Cunningham	Page
3 By Mr. Delman	8
4	
5	
6	
7	
8	
9	
10 Exhibits	Page
11 Exhibit 1 Articles of organization of	37
12 Northeastern Maryland Regional	
13 Health System	
14 Exhibit 2 Articles of amendment from	37
15 Northeastern Maryland Regional	
16 Health System	
17 Exhibit 3 Form 990 for USMJ from 2017	39
18 Exhibit 4 Asset purchase agreement	41
19 Exhibit 5 Second amendment and restated	43
20 Offering agreement for	
21 St. Joseph's Medical center	

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

5

1	Exhibit 6	Catholic identity agreement	60
2	Exhibit 7	Minutes from Institutional Ethics Committee dated 3/19/2019	64
4	Exhibit 8	Hysterectomy spreadsheet	87
5	Exhibit 9	E-mail chain from November, 2019	105
6	Exhibit 10	Printout of Catholic identity and Ethics review data analysis	120
8		Spreadsheet	
9	Exhibit 11	E-mail between Keith Riddle and Dr. Monica Buescher	126
11	Exhibit 12	Document of Dr. Sewell's Comments	128
13	Exhibit 13	Document entitled Transgender Issues in Catholic Health Care	196
15	Exhibit 14	E-mail dated November, 2014	203
16	Exhibit 15	E-mail chain starting October 2018	216
18	Exhibit 16	E-mail chain starting January 14, 2020	231
20	Exhibit 17	Defendant's responses and Objections to Plaintiff's	236
21			

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

6

1	First set of Interrogatories			
2	Exhibit	18	Plaintiff's complaint	247
3	Exhibit	19	Audio recording	266
4	Exhibit	20	Audio recording	267
5	Exhibit	21	E-mail dated January 13, 2020	287
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

7

1 P R O C E E D I N G S  
23 VIDEOGRAPHER: Here begins the video-recorded  
4 deposition of Dr. Gail Cunningham taken in the matter  
5 of Hammons versus University of Maryland Medical  
6 System Corporation in the U.S. District Court of  
7 Maryland, Case No. 1:20-cv-02088.8 Today's date is April 14, 2022. The time is  
9 9:00 a.m.10 This deposition is being held at 7601 Osler  
11 Drive, Towson, Maryland.12 The court reporter is Kenneth Norris. The  
13 video camera operator is Kim Johnson, both on behalf  
14 of Esquire.15 Will counsel please introduce yourselves and  
16 state who you represent.17 MR. DELMAN: This is Edward Delman from  
18 Patterson, Belknap, Webb & Tyler representing the  
19 Plaintiff Jesse R. Hammons.20 MR. WERNER: Paul Werner of Sheppard Mullin  
21 for the Defendants.

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

8

1                   VIDEOGRAPHER: Attorneys on Zoom?

2                   No one? Okay.

3                   Will the court reporter please swear the  
4 witness?

5 Whereupon,

6                   Gail P. Cunningham

7                   A witness of lawful age, after being duly sworn to  
8 tell the truth, the whole truth and nothing but the  
9 truth, testified as follows:

10                  EXAMINATION:

11 BY MR. DELMAN:

12 Q. Dr. Cunningham, can you please state your  
13 name for the record?

14 A. Sure. Gale Patricia Cunningham.

15 Q. And, Dr. Cunningham, have you ever been  
16 deposed before?

17 A. Yes.

18 Q. In what instances have you been deposed  
19 before?

20 A. As a defendant witness in malpractice cases,  
21 maybe three to five times.

1 A. Go ahead.

2 Q. According to subsection E UMMS has the power  
3 and authority to elect all of the elected directors  
4 pursuant to a nomination process?

5 MR. WERNER: Object to the form.

6 THE WITNESS: If the member means UMMS, yes.

7 BY MR. DELMAN:

8 Q. Now, if you'll just turn back to Exhibit 4,  
9 please?

10 MR. WERNER: Are we done with 5?

11 MR. DELMAN: We might come back to it.

12 BY MR. DELMAN:

13 Q. And turn to page 916. Is that right? Yes.  
14 Look at Subsection C.

15 MR. WERNER: Of 12.16, is that what we're  
16 talking about?

17 MR. DELMAN: Correct.

18 THE WITNESS: Okay.

19 BY MR. DELMAN:

20 Q. Okay. So just according to Section C,  
21 Subsection C, the UMSJ board is the -- strike that.

1           According to Subsection C, the board of UMSJ  
2 Health System is also the board of SJMC?

3           MR. WERNER: Object to the form.

4           THE WITNESS: Yes.

5 BY MR. DELMAN:

6           Q. As far as you're aware, UMMS still retains  
7 the power to directly appoint two members to the UMSJ  
8 and SJMC boards?

9           A. As far as I know.

10          Q. Do you know who those members are currently?

11          A. Dr. Lisa Rowan, which is -- they've had some  
12 board turnover recently. I'm just trying to remember.

13           It had been the dean of the medical school.  
14 Now it's Dr. Lisa Rowan and -- I'm not sure of the  
15 other member right now. It may come to me.

16          Q. I'm sorry. Just going to 915, the page  
17 prior, it's Roman numeral 5.

18          A. Yes.

19          Q. It says here that apart from the  
20 representative of the Archdiocese, the CEO, and the  
21 two directly appointed voting members, all other

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

50

1 members shall be appointed by UMMS pursuant to a  
2 nomination process?

3 MR. WERNER: Object to the form.

4 THE WITNESS: Yes.

5 BY MR. DELMAN:

6 Q. Do you have any reason to believe that  
7 that's no longer the case?

8 A. No.

9 Q. You don't know who those members are off the  
10 top of your head?

11 A. The two UMMS members?

12 Q. No. The members who are not either  
13 ex officio representatives of the Archdiocese or the  
14 two UMMS members.

15 A. I could name some of them.

16 Q. Do you have any -- do you have any sense of  
17 approximately what percentage of the board those  
18 members constitute?

19 A. Probably between half and three quarters.

20 Q. As we discussed previously, all decisions by  
21 the board of UMSJ must be approved by UMMS; right?

1 MR. WERNER: Object to the form.

2 THE WITNESS: That's what it states, yes.

3 BY MR. DELMAN:

4 Q. And as you discussed, you have no reason to  
5 believe that's not the case?

6 A. Correct.

7 Q. If you will turn with me to on the same  
8 exhibit, Exhibit 4 -- Exhibit 4 to 963. So we're  
9 looking at Exhibit F, which is titled UMMS's reserved  
10 powers; right?

11 A. Yes.

12 Q. I think just for efficiency sake, please  
13 feel free to just read through the three pages of that  
14 exhibit, and then we can talk.

15 A. Okay.

16 Q. So, according to the asset purchase  
17 agreement, UMMS has reserved certain powers for  
18 itself; right?

19 MR. WERNER: Object to the form.

20 THE WITNESS: Yes.

21 BY MR. DELMAN:

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

52

1 Q. For example, UMMS has to approve any  
2 amendments to USMJ Health Systems' articles or  
3 organizational operating agreement?

4 MR. WERNER: Object to the form.

5 BY MR. DELMAN:

6 Q. And UMMS has to approve of USMJ's annual  
7 budget?

8 MR. WERNER: Object to the form.

9 THE WITNESS: Yes.

10 BY MR. DELMAN:

11 Q. Does the annual budget include the salaries  
12 and compensation for all employees of USMJ Health  
13 System?

14 A. I believe so.

15 Q. And UMMS has to approve of UMSJ Heath  
16 System's strategic plans; right?

17 MR. WERNER: Object to form.

18 THE WITNESS: Yes.

19 BY MR. DELMAN:

20 Q. Do you know what this document means by  
21 strategic plans?

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

53

1           A. Yes. Each hospital has a five-year  
2 strategic plan or three years, depends on -- a  
3 five-year strategic plan as approved by the board and  
4 then approved by UMMS.

5           Q. What sorts of information is in the  
6 strategic plan?

7           A. Anything from quality goals to expansion  
8 goals, you know. Partnership goals. Could be a  
9 digital health strategy, an array of activities across  
10 the hospital that would be strategic usually set with  
11 some metrics or targets.

12          Q. Would it ever involve any planned or  
13 proposed changes in policies and procedures?

14          A. It's not that specific, no.

15          Q. UMMS also has to approve any material  
16 additions, expansions, revisions or deletions of the  
17 health care services not an approved budget or  
18 strategic plan; right?

19           MR. WERNER: Object to the form.

20           THE WITNESS: Yes.

21          BY MR. DELMAN:

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

54

1 Q. And UMMS has also reserved the power to make  
2 UMSJ Health System take certain actions without prior  
3 approval of the board; right?

4 MR. WERNER: Object to the form.

5 THE WITNESS: Yes.

6 BY MR. DELMAN:

7 Q. For example, UMMS can appoint and remove  
8 UMSJ Health System's CEO; right?

9 MR. WERNER: Object to the form.

10 THE WITNESS: Yes.

11 BY MR. DELMAN:

12 Q. And UMMS can add, expand, revise, or delete  
13 certain health care services provided by UMSJ Health  
14 System?

15 MR. WERNER: Object to the form.

16 THE WITNESS: Yes.

17 BY MR. DELMAN:

18 Q. UMMS can make UMSJ Health Systems submit  
19 corrective action plans if performance and financial  
20 targets aren't met?

21 MR. WERNER: Object to the form.

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

55

1 THE WITNESS: Yes.

2 BY MR. DELMAN:

3 Q. And it can enforce those corrective action  
4 plans?

5 MR. WERNER: Object to the form.

6 THE WITNESS: Yes.

7 BY MR. DELMAN:

8 Q. Do you have any reason to believe that UMMS  
9 no longer holds any of those reserved powers?

10 A. No.

11 Q. Are you aware of any other powers that UMMS  
12 exercises over the UMSJ Health System or SJMC?

13 MR. WERNER: Object to the form.

14 THE WITNESS: No.

15 BY MR. DELMAN:

16 Q. Now, UMMS' 2012 acquisition of St. Joseph  
17 was contingent on the approval from the Roman Catholic  
18 Church; right?

19 A. Yes.

20 Q. And as part of the acquisition, UMMS  
21 committed to continuing to operate SJMC in a manner

1 consistent with Catholic values and principles?

2 MR. WERNER: Object to the form.

3 BY MR. DELMAN:

4 Q. Now, are you aware that UMMS contractually  
5 promised to ensure that St. Joseph establish and  
6 maintain certain fundamentals in order to hold SJMC  
7 accountable for its Catholic identity?

8 MR. WERNER: Object to the form.

9 THE WITNESS: No.

10 BY MR. DELMAN:

11 Q. Are you aware that one of those fundamentals  
12 is that the ERDs is the operations lines of  
13 St. Joseph?

14 A. Yes.

15 MR. WERNER: Object to the form.

16 BY MR. DELMAN:

17 Q. And that one of those fundamentals is that  
18 UMSJ Health Systems' Board establishes a committee  
19 charged with overseeing the integration of the  
20 Catholic mission into St. Joseph's structures,  
21 policies, programs and practices?

1 MR. WERNER: Object to the form.

2 BY MR. DELMAN:

3 Q. Now, do you have any reason to believe that  
4 the requirements set forth in the Catholic identity  
5 agreement do not reflect the present reality of  
6 operations at St. Joseph?

7 MR. WERNER: Object to the form.

8 THE WITNESS: No reason to think so.

9 BY MR. DELMAN:

10 Q. And is it fair to say that physician  
11 compliance with ERDs was the largest part of the focus  
12 when UMMS purchased St. Joseph?

13 MR. WERNER: Object to the form.

14 THE WITNESS: When you -- I don't know. I  
15 don't know the physician complying with the ERDs was  
16 the primary focus.

17 BY MR. DELMAN:

18 Q. This is UMMS 817 going to be marked as  
19 Plaintiff's Exhibit 7.

20 (Plaintiff's Exhibit No. 7 was thereupon  
21 marked for identification.)

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

65

1 BY MR. DELMAN:

2 Q. Dr. Cunningham, I'm showing you minutes from  
3 the institutional ethics committee dated March 19th of  
4 2019. Do you see that?

5 A. Yes.

6 Q. Do you sit on the ethics committee?

7 A. I do.

8 Q. Do you recall if you were present for this  
9 meeting on March 19th, 2019?

10 A. It doesn't have me listed as present. So I  
11 will presume I was not.

12 Q. Are meetings [sic] also kept for meetings of  
13 the institutional ethics committee?

14 A. Minutes?

15 MR. WERNER: Object to the form.

16 BY MR. DELMAN:

17 Q. Minutes, yes?

18 A. So far as I know, yes.

19 Q. If you'll turn to the back side, do you see  
20 a paragraph that starts with Dr. Rossiter?

21 A. Um-um.

1 Q. And the document says here that Dr. Rossiter  
2 mentioned that when a physician signs on, he signs to  
3 all of the ERDs and that this was the largest part of  
4 the focus when UMMS purchased St. Joseph.

5 MR. WERNER: Object to the form.

6 BY MR. DELMAN:

7 Q. Do you see that?

8 A. Yes. So Dr. Rossiter was the chief of OB at  
9 the time, and that might have been her perception.

10 Q. Do you have any reason to believe that that  
11 perception was incorrect?

12 MR. WERNER: Object to the form.

13 THE WITNESS: Well, I know that there were  
14 many other parts of the Catholic identity agreement  
15 that were beyond the ERDs.

16 BY MR. DELMAN:

17 Q. So, Dr. Cunningham, based on the agreements  
18 we've reviewed, do you agree that St. Joseph does not  
19 have the power to decide that it will no longer adhere  
20 to and operationalize the ERDs?

21 MR. WERNER: Object to the form.

1                   THE WITNESS: It's such an unfathomable  
2 question.

3                   I imagine in the -- per the legal documents  
4 that would be the case.

5 BY MR. DELMAN:

6 Q. And do you agree that the majority or at  
7 least half of St. Joseph's board is selected either  
8 directly or following a nomination process by UMMS?

9                   MR. WERNER: Object to the form.

10                  THE WITNESS: It's not quite half. It's  
11 depending on the number.

12 BY MR. DELMAN:

13 Q. But a significant number?

14 A. A significant number, yes.

15 Q. Do you agree that St. Joseph lacks the power  
16 to decide that it will no longer maintain a Catholic  
17 identity committee?

18                  MR. WERNER: Object to the form.

19                  You're just asking for a legal conclusion.  
20 She's no here testifying as a lawyer.

21                  THE WITNESS: Yes. I imagine if the legal

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

68

1 documents are written, that's the case. But, again,  
2 I'm not an attorney.

3 BY MR. DELMAN:

4 Q. Going back to the documents.

5 Oh, I'll ask, do you believe that St. Joseph  
6 would face -- do you believe that St. Joseph would be  
7 free to no longer maintain a Catholic identity  
8 committee, if it wanted to?

9 MR. WERNER: Object to the form.

10 THE WITNESS: No. It's one of our  
11 obligations.

12 BY MR. DELMAN:

13 Q. And do you believe that St. Joseph would be  
14 free to no longer hire and have a vice president for  
15 admission integration, if it wanted to?

16 MR. WERNER: Objection to the form.

17 THE WITNESS: No. It's part of the  
18 agreement.

19 BY MR. DELMAN:

20 Q. And would St. Joseph be free to no longer  
21 have an ethics committee if it wanted to?

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022  
216

1 A. Right.

2 Q. This is UMMS 402, Exhibit 15.

3 (Plaintiff's Exhibit No. 15 was thereupon  
4 marked for identification.)

5 BY MR. DELMAN:

6 Q. Dr. Cunningham, I'm now showing you an  
7 e-mail chain from October 2018. Is this also one of  
8 the e-mail chains that you reviewed in preparation for  
9 this deposition?

10 A. Yes.

11 Q. And so this e-mail chain concerns a proposed  
12 hysterectomy for a transgender patient; right?

13 A. Correct.

14 Q. Let's turn to 406. And this bottom e-mail  
15 is from Samantha McDougal. That's a -- she's a  
16 surgical scheduler; right?

17 A. Correct.

18 Q. And so she was the person that surgeons  
19 would call when they wanted to schedule a procedure?

20 A. Yes. Probably one of, but yes.

21 Q. And who is Kate Barbara?

1           A.     She's the Kate that we talked about before,  
2 now Kate Christner, who is the business manager for  
3 the surgical services.

4           Q.     Right.

5                 And, so, the situation in this particular  
6 e-mail arose because the scheduling department wasn't  
7 sure if the proposed hysterectomy could take place in  
8 a Catholic hospital; right?

9           A.     Correct.

10          Q.     Now, did -- so you said her marital name is  
11 Christner?

12          A.     Yes.

13          Q.     So do you know why the issue was first  
14 escalated to Ms. Christner?

15          A.     I suspect she is probably the boss of  
16 Samantha.

17          Q.     And so in this case it was first elevated to  
18 you at the time from Ms. Barbara, and then from there  
19 to Dr. Marion?

20          A.     Yes.

21          Q.     Who was at the time the chief of surgery?

1 A. Yes.

2 Q. And still is the chief of surgery, I  
3 believe?

4 A. Yes.

5 Q. And so, do schedulers typically get the  
6 chief of surgery involved in whether proposed  
7 procedures should be posted?

8 MR. WERNER: Object to the form.

9 THE WITNESS: I think we discussed this  
10 before. He doesn't get involved in every case, no.

11 BY MR. DELMAN:

12 Q. And so this hysterectomy in particular was  
13 escalated to the chief of surgery because it involved  
14 a transgender patient; right?

15 A. Correct.

16 Q. So now Keith Riddle explains in this e-mail  
17 chain that the proposed hysterectomy would not be  
18 allowed to take place if the reason for it was gender  
19 reassignment; right?

20 A. Correct.

21 Q. And you also agreed that a Catholic hospital

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022  
219

1 like St. Joe's cannot perform a hysterectomy if the  
2 reason was for gender reassignment?

3 A. Correct.

4 Q. But -- here, let's -- and on 404, the bottom  
5 of 404 you did write that if there were other medical  
6 indications, the procedure could in fact take place at  
7 St. Joe's; right?

8 A. Correct.

9 Q. And also Dr. Marion noted that abnormal  
10 uterine bleeding was the primary diagnosis for this  
11 procedure?

12 A. Yes.

13 Q. And what eventually happened here was that  
14 the procedure was cancelled and then posted with  
15 abnormal uterine bleeding as a preoperative diagnosis;  
16 right?

17 A. Correct.

18 Q. And the surgeon for this one was  
19 Dr. Adashek?

20 A. Correct.

21 Q. And he did, in fact, in the end perform this

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022  
220

1 procedure here at St. Joe's?

2 A. I -- to my knowledge, yes, I don't know.

3 Q. Okay. And assuming he did in fact perform  
4 it here, that would be because of normal uterine  
5 bleeding as a medical indication; right?

6 A. Correct.

7 Q. And would you say that generally abnormal  
8 uterine bleeding is a life-threatening condition?

9 A. It can be.

10 Q. In what circumstances?

11 A. Depending on the degree and the inability to  
12 manage it in other ways.

13 Q. Would it require such excessive blood loss  
14 that the person needs to go to the hospital?

15 MR. WERNER: Object to the form.

16 THE WITNESS: Not necessarily.

17 BY MR. DELMAN:

18 Q. Do you recall if this patient was assessed  
19 to ensure that his abnormal uterine bleeding was  
20 life-threatening?

21 MR. WERNER: Object to the form.

1                   THE WITNESS: I don't know. You would take  
2 the surgeon's word for it.

3 BY MR. DELMAN:

4 Q. And so it would have been Dr. Adashek who  
5 would make that assessment?

6 A. Yes.

7 Q. Would Dr. Marion have been aware of that  
8 assessment?

9 A. He would be aware that Dr. Adashek changed  
10 the indication for surgery and he would be presuming  
11 like with all other surgeries that the indication is  
12 honest and true. That's redundant. That it's true.

13 Q. And, again, just to confirm, the context of  
14 life-threatening doesn't appear anywhere in this  
15 e-mail thread; right?

16 A. No.

17 Q. And, Dr. Cunningham, we discussed that you  
18 sit on the ethics committee; right?

19 A. Correct.

20 Q. And did you sit on the ethics committee in  
21 2018?

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022  
222

1 A. Yes.

2 Q. And also in 2019?

3 A. Yes.

4 Q. Do you recall if this 2018 case here was  
5 ever discussed by the ethics committee?

6 A. I don't know. I would have to see the  
7 minutes.

8 Q. If it were discussed, it would be reflected  
9 in the minutes?

10 A. I believe so.

11 Q. Is there any reason why the minutes would  
12 not be kept for a meeting of the ethics committee?

13 A. Not that I can think of.

14 Q. And so, based on this e-mail chain here,  
15 fair to say that medical personnel at St. Joe's cannot  
16 perform hysterectomies for a transgender man for the  
17 purpose of gender affirmation?

18 A. That's correct.

19 MR. WERNER: Object to the form.

20 THE WITNESS: That's correct.

21 BY MR. DELMAN:

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022

307

1 REPORTER'S CERTIFICATE

2 State of Maryland

3 County of Baltimore, to wit:

4 I, KENNETH NORRIS, a Notary Public of  
5 the State of Maryland, County of Baltimore, do hereby  
6 certify that the within named witness personally  
7 appeared before me at the time and place herein set  
8 out, and after having been duly sworn by me, according  
9 to law, was examined.

10 I further certify the examination was  
11 recorded stenographically by me and this transcript is  
12 a true record of the proceedings.

13 I further certify that I am not of  
14 counsel to any of the parties, nor in any way  
15 interested in the outcome of this action.

16 As witness my hand and notarial seal  
17 this 14th day of April, 2022.



19 KENNETH NORRIS

20 Notary Public

21 My Commission Expires: 7-22-22

DR. GAIL P. CUNNINGHAM  
Hammons vs University of Maryland Medical System

April 14, 2022  
309

1 Reference No.: 8078725

2

3 Case: Hammons vs University of Maryland Medical System

4

5 DECLARATION UNDER PENALTY OF PERJURY

6

I declare under penalty of perjury that  
I have read the entire transcript of my Depo-  
sition taken in the captioned matter or the  
same has been read to me, and the same is  
true and accurate, save and except for  
changes and/or corrections, if any, as indi-  
cated by me on the DEPOSITION ERRATA SHEET  
hereof, with the understanding that I offer  
these changes as if still under oath.

10



11

Dr. Gail P. Cunningham

13

14

NOTARIZATION OF CHANGES

15

(If Required)

16

17

Subscribed and sworn to on the \_\_\_\_\_ day of

18

19

\_\_\_\_\_, 20\_\_\_\_ before me,

20

21

(Notary Sign)\_\_\_\_\_

22

23

(Print Name)

Notary Public,

24

25

in and for the State of \_\_\_\_\_

Reference No.: 8078725

Case: Hammons vs University of Maryland Medical System

Page No. 1 Line No. 14 Change to: From Gale to Gail

Reason for change: Incorrect spelling

Page No. 30 Line No. 12 Change to: Not sure if that is USMJ  
or meant to be UMMS?

Reason for change: \_\_\_\_\_

Page No. 40 Line No. 21 Change to: UMS to UMMS

Reason for change: Incorrect Spelling

Page No. 41 Line No. 9 Change to: Ums to Umms

Reason for change: Incorrect Spelling

Page No. 57 Line No. 16 Change to: Father Sobey to Father Asobi

Reason for change: Incorrect Spelling

Page No. 68 Line No. 15 Change to: Mission to Admission

Reason for change: Incorrect Spelling

\*Page No. 71 Line No. \_\_\_\_\_ Change to: Management to Anesthesia

Reason for change: Wrong Wording

SIGNATURE: Gail P.C. DATE: 5/25/2022

Dr. Gail P. Cunningham

Reference No.: 8078725

Case: Hammons vs University of Maryland Medical System

Page No. 73 Line No. 19 Change to: DPA to BPA

Reason for change: Incorrect Spelling

Page No. 74 Line No. 6 Change to: DPA to BPA

Reason for change: Incorrect Spelling

Page No. 74 Line No. 10 Change to: Repair to Rare

Reason for change: Incorrect wording

\*Page No. 101 Line No. 16 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 118 Line No. 18 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 119 Line No. 6 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 119 Line No. 15 Change to: Employee to Employed

Reason for change: Incorrect Wording

SIGNATURE: Gail P. Cunningham DATE: 5/25/2022

Dr. Gail P. Cunningham

Page No. 120 Line No. 1 Change to: Touhey to Tewey

Reason for change: Incorrect Spelling

Page No. 148 Line No. 12 Change to: Fetal to Futile

Reason for change:

\*Page No. 148 Line No. 13 Change to: phone

Reason for change:

Page No. 149 Line No. 16 Change to: Nelapas to Manlapaz

Reason for change: Incorrect Spelling

Page No. 160 Line No. 9 Change to: Eminence to Imminence

Reason for change: Incorrect Spelling

Page No. 161 Line No. 18 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 172 Line No. 14 Change to: OBNR to OBGYN's

Reason for change: Incorrect Spelling

Page No. 173 Line No. 19 Change to: Feel to be

Reason for change: Incorrect wording

SIGNATURE: Gail P. Cunningham DATE: 5/25/2022

Dr. Gail P. Cunningham

Page No. 186 Line No. 20 Change to: Can to Can't

Reason for change: Incorrect Wording

\*Page No. 188 Line No. 4 Change to: It comes from

Reason for change: Incorrect Wording

\*Page No. 188 Line No. 21 Change to: Order to Corner

Reason for change: Incorrect Wording

\*Page No. 189 Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. 202 Line No. 2 Change to: I to In

Reason for change: Incorrect Wording

Page No. 211 Line No. 21 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 220 Line No. 4 Change to: Normal to Abnormal

Reason for change: Incorrect Wording

Page No. 225 Line No. 2 Change to: Remove F

Reason for change: Incorrect Spelling

Page No. 226 Line No. 2 Change to: Marks to Marx

Reason for change: Incorrect Spelling

Page No. 232 Line No. 21 Change to: BPH to BPA

Reason for change: Incorrect Spelling

Page No. 233 Line No. 10 Change to: EPIQ to EPIC

Reason for change: Incorrect Spelling

Page No. 246 Line No. 7 Change to: Incorrect Spelling

Reason for change: Incorrect Spelling

\*Page No. 268 Line No. 21 Change to: and he

Reason for change: \_\_\_\_\_

Page No. 274 Line No. 4 Change to: Kuhn to Kunz

Reason for change: Incorrect Spelling

Page No. 282 Line No. 10 Change to: Hough to Hodes

Reason for change: Incorrect Spelling

Page No. 282 Line No. 12 Change to: Hough to Hodes

Reason for change: Incorrect Spelling

Page No. 298 Line No. 8 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 298 Line No. 14 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

SIGNATURE: Gail P.C. DATE: 5/25/2022

Dr. Gail P. Cunningham

Page No. 298 Line No. 21 Change to: Sobey to Asobi

Reason for change: Incorrect Spelling

Page No. 299 Line No. 15 Change to: Sobey to Asobi

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

SIGNATURE: Gail P. C. DATE: 5/25/2022

Dr. Gail P. Cunningham